IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JAIPUR BENCH, JAIPUR.

**

J U D G M E N T

Gauri Lal & Ors. Vs. Smt. Ugam Kanwar

S.B. CIVIL SECOND APPEAL NO. 165/1994 AGAINST THE JUDGMENT AND DECREE DATED 05.04.1994 PASSED BY THE CIVIL JUDGE AND CHIEF JUDICIAL MAGISTRATE, SIKAR IN CIVIL FIRST APPEAL N0.14/93 (11/93)

Date of Judgment : May 23, 2006.

P R E S E N T

HON'BLE DR.JUSTICE VINEET KOTHARI

Mr. R.K. Agrawal for the appellants-defendants.
Mr. G.K.Garg for the respondent-plaintiff.

BY THE COURT:

1. This second appeal is disposed of as not pressed in view of undertaking of defendant-tenant to hand over the peaceful and vacant possession of the suit premises to the plaintiff on or before expiry of two years from today with usual conditions given below.

2. Both the parties agree to dispose of this second appeal on the following terms and conditions:-

(i)The appellant Nos.1 & 2 who are in possession of the suit premises undertake to hand-over the vacant and peaceful possession of the

suit premises, in dispute to the respondent on or before 23.5.2008. The respondent shall not execute the impugned decree till 23.5.2008.

(ii)**The appellant Nos.1 & 2 undertake to pay or deposit the entire arrears of mesne profit Rs.105/- per month, within a period of one month from today and will further continue to pay the mesne profit by 15th day of the next succeeding month or in advance to the respondent.**

(iii)The appellant Nos.1 & 2 further undertake that they shall not sub-let, assign or part with the possession of the suit premises or any part thereof in favour of any one else and would not create any third party interest in the same during the aforesaid period.

(iv)The appellant Nos.1 & 2 shall furnish a written undertaking incorporating the aforesaid conditions in the Lower Court within a period of four weeks from today and one copy thereof along with affidavit in this court.

(v)Learned counsel for respondent-landlord will give the details of his bank account number in which

the arrears of rent agreed to be Rs.5500/- up to May, 2006 will be deposited within the period of four weeks.

It is made clear that in case, the appellants do not comply with any of the aforesaid conditions, then it will be open for the respondent to get decree passed in his favour executed even before the aforesaid date and to initiate contempt proceedings in this court.

With the aforesaid terms, conditions and directions, the second appeal is accordingly dismissed as not pressed.

(Dr.VINEET KOTHARI)J.

VS/